

# EXHIBIT “B”

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

GERALD RUHNCW and CONNIE \*  
RUHNCW, \*  
Plaintiffs, \*  
VS. \* NO. 2:05 CV 527-F  
LANE HEARD TRUCKING, LLC., \*  
et al \*  
Defendants. \*

ORAL DEPOSITION OF MICHAEL ADKINS,

a witness produced pursuant to the Federal Rules of  
Civil Procedure, in the above-styled and numbered  
cause on the 19th day of April, 2006, before Sheila  
Hanson, CSR, a Notary Public in and for the State of  
Alabama, at the law offices of Mr. Cliff Hastings  
with Cervera, Ralph & Reeves, Attorneys at Law, Troy,  
Alabama.

\* \* \* \* \*

1

STIPULATION

It is stipulated by and between counsel  
for the parties that this deposition be taken at this  
time by Sheila Hanson, Court Reporter and Notary  
Public, State at Large, who is to act as commissioner  
without formal issuance of commission to her; that  
said deposition shall be taken down stenographically,  
transcribed, and certified by the commissioner.

Except for objections as to the form of  
questions, no objections need to be made at the time  
of the taking of the deposition by either party, but  
may be interposed by either party at the time the  
deposition is read into evidence, which shall be  
ruled upon by the Court on the trial of the cause  
upon the grounds of objection then and there  
assigned.

The deponent, Mr. Michael Adkins, waives  
the reading and signing of the deposition.

3

APPEARANCES

FOR THE PLAINTIFF:  
MR. CALLEN SPARROW  
HENINGER, BURGE, VARGO & DAVIS, LLP,  
2146 Highland Avenue  
Birmingham, Alabama 35204

FOR THE DEFENDANT (Lane Heard Trucking):

MS. KATIE L. HAMMETT  
HAND ARENDALL, LLC  
P. O. Box 123  
Mobile, Alabama 36601

FOR THE DEFENDANT (Christy Leann Champion):

MR. RICHARD MCCONNELL (MAC) FREEMAN, JR.  
RUSHTON STAKELY JOHNSTON & GARRETT PC  
P.O. Box 270  
Montgomery, AL 36101-0270

MR. RANDALL GILL

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1                    MICHAEL ADKINS ,  
2       the witness hereinbefore named, being first duly  
3       cautioned and sworn or affirmed to tell the truth,  
4       the whole truth, and nothing but the truth, was  
5       examined and testified as follows:

6                    DIRECT EXAMINATION

7       BY MR. SPARROW:

8           Q     State your name for the record, please?  
9           A     Michael David Adkins.  
10          Q     Where do you live, Mr. Adkins?  
11          A     186 Oak Street, Brundidge, Alabama.  
12          Q     Are you from the Pike County area?  
13          A     No, sir.  
14          Q     Where are you from?  
15          A     Georgia.  
16          Q     Where?  
17          A     Marietta, Kennesaw.  
18          Q     How long have you been in Brundidge or  
19       in Alabama?  
20          A     Two years.  
21          Q     What brought you here?  
22          A     My father-in-law got a job up here.  
23          Q     Are you employed?  
24          A     Yes, sir.  
25          Q     Where do you work?

5

1           A     Sanders Lead.  
2           Q     What do you do?  
3           A     I'm an instrument maintenance man.  
4           Q     Where is that?  
5           A     One Sanders Road; half a mile, mile up  
6       the road.  
7           Q     You mentioned your father-in-law, so I  
8       guess you are married?  
9           A     Used to be. Single.  
10          Q     Okay. Do you live with anyone here in  
11       Pike County?  
12          A     My father in-law and mother-in-law -- and  
13       ex-father-in-law and mother-in-law.  
14          Q     Are you single by virtue of a divorce?  
15          A     Yes, sir.  
16          Q     That's an odd situation. What is your  
17       father-in-law's name?  
18          A     Denny Smart.  
19          Q     Denny Smart?  
20          A     Yes.  
21          Q     What is your mother-in-law's name?  
22          A     Penny Smart.  
23          Q     Where does Mr. Smart work?  
24          A     The old Picnic in Brundidge. It's got a  
25       new name. I don't know the name.

6

1           Q     Does Mrs. Smart work?  
2           A     No.  
3           Q     Do you have any other relatives --  
4           A     My son lives with us.  
5           Q     How old is he?  
6           A     Eleven.  
7           Q     Have you ever been in a lawsuit before --  
8           A     Workman's comp.  
9           Q     -- either sued folks or been sued?  
10          A     Worker's comp.  
11          Q     When was that?  
12          A     '97 and 2002.  
13          Q     Were you with the same employer for those  
14       injuries?  
15          A     No, sir.  
16          Q     Tell me about the first one?  
17          A     Worked at Course Lap Structures and had a  
18       steel cable break and shoot through my leg. And I  
19       got fired, because I couldn't do the job. And so I  
20       had to go to worker's comp.  
21          Q     Did you file a lawsuit for terminating  
22       you, as well, or just your comp?  
23          A     Just comp.  
24          Q     What was the injury?  
25          A     I had a steel cable five-eighths inch

7

1       thick shoot through my leg, cut the main artery,  
2       shift my knee cap.  
3          Q     Have you had any residual problems as a  
4       result of that?  
5          A     Two years of therapy and recuperation.  
6          Q     How about the second one?  
7          A     Worked with Turf Pride Lawn Care Service  
8       and fell and tore my rotator cuff and had to have it  
9       fixed.  
10          Q     Where were those two lawsuits filed?  
11          A     Kennesaw, Georgia.  
12          Q     Did either one of them go as far as your  
13       having to give a deposition?  
14          A     No, sir.  
15          Q     Did either one of them get tried?  
16          A     No, sir.  
17          Q     Have you ever given a deposition  
18       before?  
19          A     No, sir.  
20          Q     Where were you coming from, Mr. Adkins,  
21       on the evening of March 7, '05?  
22          A     Chinese Restaurant in Troy.  
23          Q     Headed North?  
24          A     Southbound, to where I live.  
25          Q     How far were you from home?

8

1 A Eight miles.  
2 Q If you had been here a couple of years,  
3 and this happened about a year ago, were you familiar  
4 with this stretch of 231 at the time this wreck  
5 happened?  
6 A Yes, sir.  
7 Q What was the weather like?  
8 A It had been misting and the roads were  
9 just a little slick.  
10 Q How fast were you going as you approached  
11 this stretch of road?  
12 A 50 or 55.  
13 Q What is the speed limit do you know?  
14 A 55.  
15 Q Tell me what happened?  
16 A As I topped the hill, I noticed that  
17 there was a car in the middle turn lane with the  
18 right blinker on to come out. And as I was topping  
19 the hill, I noticed a car had passed her, or had  
20 passed the car.  
21 So I proceeded from the left lane to the  
22 right lane to give this car the right of way so there  
23 wouldn't be any problems. As I proceeded down the  
24 right lane, the car proceeded to the left lane and a  
25 very short distance between us, the car came out in

9

1 front of me, and I collided with her.  
2 Q Let me back up just minute. You topped  
3 the hill -- and you were sitting here earlier during  
4 Ms. Champion's deposition?  
5 A Yes, sir.  
6 Q By "hill," you are talking about that  
7 part of the road that we have already been talking  
8 about where the truck came from?  
9 A Yes, sir.  
10 Q So you topped it, and you saw what we  
11 know now to be Ms. Champion in the middle turn  
12 lane?  
13 A Yes, sir.  
14 Q You were at that point in the left-hand  
15 southbound lane?  
16 A Yes, sir.  
17 Q There was a car in front of you in the  
18 left-hand southbound lane?  
19 A That was pretty much where she was at --  
20 passing her.  
21 Q Oh, just one car?  
22 A Right.  
23 Q Do you have a judgment, Mr. Adkins, of  
24 what the distance is from where you, quote, topped  
25 the hill and where Ms. Champion was?

10

1 A Before the impact, approximately 300  
2 feet.  
3 Q Okay. So when you saw her, to where she  
4 was, when you saw her for the first time, she was  
5 about 300 feet away?  
6 A Yes, sir.  
7 Q The other car that was in the left-hand  
8 southbound lane then went beyond her?  
9 A Yes, sir.  
10 Q Passed her?  
11 A Yes, sir.  
12 Q With you being at that point, the only  
13 other car out there, you moved from left to right  
14 hand lane to give her a chance to merge over?  
15 A Yes, sir.  
16 Q And from what I understand, she just then  
17 continued basically to merge over into your lane.  
18 A Yes, sir.  
19 Q And you hit her or y'all came into  
20 contact?  
21 A Yes, sir.  
22 Q How fast were you going at impact?  
23 A About 50 or 55.  
24 Q How fast was she going at impact?  
25 A I figure 20, 25. She was barely

11

1 moving.  
2 Q What happened?  
3 A She pulled in front of me. I hit my back  
4 break, my back tire kicked to the right, which almost  
5 threw me into a spin, fish-tailed me. I then let off  
6 the throttle. And I seen that I was going to hit  
7 her. So I pulled my handlebars to the left to try to  
8 avoid her. And my front tire hit her bumper on the  
9 driver's side, a few inches from the end.  
10 Q At that moment what is your judgment of  
11 your speed?  
12 A About 40.  
13 Q That seems pretty fast to me. How far  
14 after the actual impact did you travel -- were you  
15 thrown from the bike?  
16 A I was thrown over the handlebars.  
17 Q How far did you travel before you stopped  
18 rolling on the ground?  
19 A I hit on my face and right hand. It spun  
20 me backwards. And I slid feet first down the road,  
21 ten or fifteen feet.  
22 Q How about your motorcycle?  
23 A It just fell flat. It stopped dead.  
24 Q Well, it can't stop from 40 miles on hour  
25 dead in the road?

12

1 A To my knowledge, it stopped dead. I  
2 didn't look back. I was sliding.  
3 Q If it moved at all, it didn't move far?  
4 A Right.  
5 Q What did Ms. Champion do after her  
6 vehicle and your motorcycle came into contact?  
7 A When I stopped sliding down the road, I  
8 got up the best I could and she was pulled to the  
9 side of the road.  
10 Q And then, what did you do?  
11 A I limped off the road. My leg was  
12 injured. I couldn't hardly walk. And my right wrist  
13 hurt. And my neck hurt. I took my helmet off and  
14 asked her what the hell was her problem.  
15 Q When you asked her that, were you  
16 standing approximately where she had been standing --  
17 A I was in front of her car. I came around  
18 her car and asked her what was her problem, what the  
19 hell was her problem.  
20 Q Let me back up. Which lane did you end  
21 up in, by the way, sitting on the ground.  
22 A I slid down the fast lane, feet first.  
23 Q Left-hand lane, southbound lane?  
24 A Right.  
25 Q As you were sliding, apparently if I

13

1 understand your testimony, she understands what has  
2 happened; so she is pulling her car over to now what  
3 we call the turn lane into Pinckard's?  
4 A Right.  
5 Q And she stopped?  
6 A Yes, sir.  
7 Q Is she in front of where you were laying  
8 or sitting in the road?  
9 A She is behind where I was in front of.  
10 Q So you moved past her?  
11 A Right.  
12 Q You get up from your position in the fast  
13 lane?  
14 A Right.  
15 Q Walk back to her car?  
16 A I pretty much stopped five feet from in  
17 front of her car.  
18 Q So you are basically right there?  
19 A Right.  
20 Q Did you walk around it?  
21 A I just cut in front of her car and had a  
22 few words with her.  
23 Q Through the passenger window?  
24 A She was standing outside of the car.  
25 Q So she had gotten outside of the car by

14

1 the time you got over there?  
2 A Right.  
3 Q The impact between your motorcycle and  
4 her car, you sliding, her slowing down getting over  
5 in the right-hand lane. And then by the time you  
6 come to a stop, get yourself together, you get up,  
7 walk over to her car. And she is already standing  
8 outside?  
9 A Standing on the passenger side of the  
10 car.  
11 Q All right. You asked her what the hell  
12 just happened?  
13 A Right.  
14 Q She said?  
15 A I'm sorry. I didn't see you.  
16 Q What else, if anything, was said between  
17 the two of y'all between the next sequence of events.  
18 A That was it.  
19 Q So tell me what happened then.  
20 A I then took my helmet off. I had my  
21 helmet in my hand, coming off, when I was talking to  
22 her, because my right hand was messed up. And I  
23 started walking around to look at my motorcycle.  
24 Q How far behind you and Ms. Champion was  
25 the motorcycle?

15

1 A Ten feet, twelve feet.  
2 Q Not too far?  
3 A No, sir.  
4 Q What happened after she said: Sorry. I  
5 didn't see you? Did you start to walk back towards  
6 your motorcycle?  
7 A I walked back towards her car, limping,  
8 and I bent over to catch my breath because my neck  
9 was hurting. I looked up stepped -- it's like  
10 pavement there. It's not -- I guess, it's the  
11 turning lane. As I stepped up on the pavement, the  
12 truck wind blew me and run over my motorcycle.  
13 Q Did you see the truck at all --  
14 A Not until it hit my motorcycle.  
15 Q -- before you felt the truck wind?  
16 A No, sir, not until it hit my  
17 motorcycle.  
18 Q How far away from the motorcycle were you  
19 at impact? Impact of the truck and the motorcycle?  
20 A Eight feet.  
21 Q You were right there?  
22 A I was about to step out there.  
23 Q How far out of the right-hand, southbound  
24 lane, were you?  
25 A I was in the turn lane, probably three

16

1 foot from the dirt to the asphalt of the turning lane  
2 part.

3 Q So, how far is that from your  
4 motorcycle?

5 A Ten feet -- eight to ten feet. It was  
6 sitting in the right lane, but on the line towards  
7 the left lane, like, more or less in between both  
8 lanes.

9 Q It was perpendicular, as we said earlier,  
10 laying on its side?

11 A It was on its side.

12 Q With the tires back towards Troy?

13 A No, sir. The headlight were pointing  
14 southbound.

15 Q So, now, the headlight pointed  
16 southbound?

17 A Right.

18 Q So it's not on its side pointed towards  
19 the center of the highway and the edge of the  
20 highway. It's headed towards Dothan?

21 A Right. I could see my wheels and  
22 taillights to the left of me.

23 Q Was the taillight on?

24 A Yes, sir.

25 Q It was?

17

1 that a truck just hit your motorcycle?

2 A I seen right as the truck run over my  
3 bike, his right tire jacked up and turned to the  
4 left. And immediately he just went at an angle  
5 across the road. Halfway across my motorcycle blew  
6 up. And then I seen a huge explosion. I thought his  
7 truck blew up. And then six or seven small  
8 explosions took place.

9 Q Do you have a judgment, Mr. Adkins, as to  
10 how fast the truck was traveling at impact between  
11 that truck and your motorcycle?

12 MS. HAMMETT: Object to the form.

13 A 65 to 70 miles per hour.

14 Q Did you see it at all before the impact  
15 with your motorcycle?

16 A No, sir.

17 Q So you are not in a position to tell me  
18 whether or not the truck took any evasive action  
19 prior to impact?

20 A When the truck run over my motorcycle,  
21 there was no brake lights. There was a screeching --  
22 just seen the tire jacked up. He had to go where he  
23 went from there.

24 Q Did any vehicles -- strike that. After  
25 your impact with the car, and you're sitting in the

19

1 A Yes, sir.

2 Q It was not broken in the impact?

3 A No, sir.

4 Q You could see the flood of that light on  
5 the road?

6 A Yes, sir.

7 Q Were her lights on?

8 A I don't recall the taillights being on,  
9 but I know the headlights were on.

10 Q Were the taillights on as you approached

11 --

12 A Yes, sir.

13 Q -- before any of these impacts  
14 occurred?

15 A Yes, sir.

16 Q Did she have her blinkers on as --

17 A Yes, sir.

18 Q So you knew what she was planning on  
19 doing?

20 A I knew she was coming to the left lane.  
21 I didn't know she was going to come into my lane,  
22 too.

23 Q What kind of motorcycle do you have?

24 A 650 Silverado, Yamaha.

25 Q Describe what you saw after you realized

18

1 middle of the left-hand lane?

2 A Uh-huh.

3 Q You get up, you're taking your helmet  
4 off, and you're going to talk to Ms. Champion. Did  
5 any cars pass headed South?

6 A No, sir. There was no cars on the road  
7 at all.

8 Q Between your impact with her car and the  
9 truck's impact with the motorcycle?

10 A Not to my knowledge, I didn't see any.

11 Q Do you have a judgment, Mr. Adkins, as to  
12 how long you were in the road before you got up to go  
13 ask Ms. Champion: What the hell just happened?

14 A Just a few seconds. Because I knew there  
15 was traffic behind me.

16 Q You were sitting in the middle of the  
17 road?

18 A I was laying on my stomach, and I just  
19 knew --

20 Q Did you slide down the highway on your  
21 stomach?

22 A I slid on my stomach, feet first.

23 Q What were your injuries?

24 A My right left -- right leg had a few  
25 --contusions, as they call it. My wrist was broken

20



1 and my neck was hurt.

2 Q How was your wrist broken? Both bones?

3 A It was a fracture somewhere.

4 Q Did they cast it?

5 A Yes, sir.

6 Q Did you make any attempt to get your  
7 motorcycle out of the road?

8 A I didn't have a chance.

9 Q If I asked you this earlier, I apologize.  
10 Tell me everything that was said between you and  
11 Ms. Champion, between when you got up and said: What  
12 the hell just happened -- and the impact between your  
13 truck and the motorcycle?

14 A I asked what she was thinking about, what  
15 the hell just happened. She said she was sorry, that  
16 she didn't see me.

17 Q And that was it?

18 A Yes, sir, that was it.

19 Q There was no other conversation?

20 A No, sir.

21 Q After the impact, was there any  
22 discussion or anything said between you and  
23 Ms. Champion?

24 A She said: Oh, my God, is somebody dead;  
25 I just caused an accident.

21

1 with Ms. Champion?

2 A After the explosion, and after she gave  
3 me the phone back, I called my mother-in-law, which  
4 she had been at the restaurant with me. And she had  
5 her son-in-law bring her back up to Pinckard's. And  
6 I told her that I had been in an accident and needed  
7 her immediately. She hung up the phone. And she  
8 came up there to the scene.

9 Q Are you living with the Smarts, with  
10 another son-in-law?

11 A No. They live in another house they  
12 own.

13 Q Did you call 911?

14 A No, sir.

15 Q Do you know who did?

16 A No, sir.

17 Q Can you identify, other than Ms. Champion  
18 and whoever in your family or friends may have come  
19 to see you, anyone that was there at the scene that  
20 night?

21 A Some guy named Ronny. I don't know his  
22 last name. He was behind the semi. When he seen my  
23 taillight laying in the road and seen my chaps come  
24 out from under the truck, and the truck run over my  
25 bike, he run up to see if I was okay.

23

1 And she tried to use her phone. Her  
2 phone was in her hand. She couldn't dial. It was on  
3 security lock or something. She got my phone and  
4 called someone and said there was an accident and she  
5 needed somebody there with her.

6 Q Can you give me your judgment as to  
7 how far your motorcycle was after impact with the car  
8 from the Pinckard's parking lot?

9 A Fifty feet.

10 MR. FREEMAN: What was that question?

11 Q The distance between his motorcycle where  
12 it got hit by the truck and the Pinckard's parking  
13 lot, which we defined earlier as at the concrete  
14 rather than --

15 A Right.

16 Q How long was it, in your judgment,  
17 between your impact with Ms. Champion's car and the  
18 truck's impact with your motorcycle?

19 A Maybe a minute.

20 Q Did you hear any conversation between  
21 Ms. Champion and someone else there at the scene that  
22 night? Just overhear anything?

23 A No, sir.

24 Q With whom did you talk there at the scene  
25 that night, other than what you've already told us

22

1 Q Let me back up. He saw the taillights of  
2 your motorcycle before the impact?

3 A Yes, sir. He was behind the truck. And  
4 he can see it under the truck. He was following too  
5 close, is what he told me.

6 Q What kind of car was he in?

7 A I have no idea.

8 Q But he saw your motorcycle prior to the  
9 impact between Mr. Duke and your motorcycle?

10 A Yes, sir. He said that he seen the  
11 taillights.

12 Q Were the chaps in the saddlebags?

13 A Yes, sir. After truck run over my  
14 motorcycle, the saddle bags, blew up I guess you  
15 could say, and he seen my chaps come up from under  
16 the back tires and thought --

17 Q That's when he pulled over?

18 A Yes, sir.

19 Q And he came back and told you that?

20 A Yes, sir. He come up and talked to me.

21 Q You don't know his last name?

22 A No, sir.

23 Q Do you know where he's from?

24 A Brundidge.

25 Q You seen him since the wreck?

24

1 A I work with him, yes, sir.  
2 Q Will you find out his last name and let  
3 your lawyer know that?  
4 A I believe Mr. Hastings has that.  
5 MR. WHITT: Y'all may all know this.  
6 MR. FREEMAN: It's on the accident report.  
7 MR. WHITT: Ronny Perkins. I'm looking at the  
8 wrong accident report. Okay.  
9 Q Anyone else that Mr. Perkins told you  
10 there --  
11 A No, sir.  
12 Q -- at the scene?  
13 A No, sir.  
14 Q Anyone else that you can identify?  
15 A No, sir.  
16 Q Did Mr. Perkins stay or just check to  
17 make sure you were okay and leave?  
18 A He walked off. I don't know where he  
19 was.  
20 Q Of course, I guess you talked to the  
21 trooper?  
22 A An ambulance driver or somebody came up  
23 to me and ask if I was all right. And I told them I  
24 was hurting. And I got into the ambulance and have a  
25 see.

25

1 Q Were you then transported to the  
2 hospital?  
3 A Not until they loaded Mr. Dukes in the  
4 back.  
5 Q The same ambulance?  
6 A Yes, sir.  
7 Q Was he alive at that point?  
8 A He was unconscious, messed up a little  
9 bit.  
10 Q Who did come to the scene? You said that  
11 you called your mother-in-law.  
12 A Her other son-in-law.  
13 Q Her other son-in-law brought her to the  
14 scene?  
15 A Yes, sir. They had to stop southbound of  
16 Pinckard's. They had it blocked off.  
17 Q That's Penny Smart?  
18 A Right.  
19 Q Married to Denny Smart?  
20 A Right.  
21 Q Who was other son?  
22 A Anthony Bright.  
23 Q B-r-i-g-h-t?  
24 A Yes, sir.  
25 Q Tell me about Anthony. You said that he

26

1 Lived near you?  
2 A Right. He lives on Main Street in  
3 Brundidge.  
4 Q What does he do for a job?  
5 A He works at Wal-Mart. I don't know his  
6 position.  
7 Q Is he still married?  
8 A Yes. It's Penny's younger daughter.  
9 Q Her name is?  
10 A Robin.  
11 Q Where does Robin work?  
12 A Wal-Mart Distribution Center, both of  
13 them.  
14 Q Now, we have identified Ms. Champion's  
15 car, of course, your motorcycle, Mr. Duke's truck,  
16 who hit your motorcycle, and Mr. Perkins in some  
17 kinds of vehicle behind Mr. Duke's truck?  
18 A Yes, sir.  
19 Q Did you see up to Mr. Perkins, were there  
20 any other vehicles that passed by that section of  
21 231, from the time of your impact with Ms. Champion's  
22 car --  
23 A No, sir.  
24 Q You mentioned earlier something about it  
25 started misting, or it had been misting earlier.

27

1 What was the weather at the time this took place?  
2 A Clear. Roads were clear.  
3 Q It was not misting at this time?  
4 A Right.  
5 Q But the roads were still wet?  
6 A It had misted in Troy. I had my rain  
7 suit on.  
8 Q When you topped the hill, Ms. Champion  
9 was already in the center turn lane with her blinker  
10 on?  
11 A Right. She was stopped still.  
12 Q Both your headlight and taillight were  
13 still on, after the impact and while your motorcycle  
14 was lying in the road?  
15 A Yes, sir.  
16 Q Your taillight was headed north,  
17 essentially, due north?  
18 A Yes, sir.  
19 Q You know that Ms. Champion's headlights  
20 were still on. And you just don't recall if her  
21 taillights were still on as her car was parked in the  
22 turn lane --  
23 A Yes, sir.  
24 Q -- after the impact?  
25 A Yes, sir.

28



1 Q But her taillights had been on earlier?  
2 A Yes, sir.  
3 Q Have you had any conversation's with  
4 Ms. Champion since the day of this wreck?  
5 A No, sir.  
6 Q Other than perhaps your lawyer, have you  
7 given -- and the police officer, have you given a  
8 statement to anyone about how this wreck happened?  
9 A Yes.  
10 Q Who?  
11 A You.  
12 Q It was not me.  
13 A Somebody from your firm. And  
14 Ms. Champion's insurance people called me at home and  
15 got a statement over-the-phone.  
16 Q Do you remember somebody from  
17 Mr. Ruhnow's lawyer's office talking to you?  
18 A They may have.  
19 Q That would be me.  
20 A Okay. I talked to, I guess, you then,  
21 and I think Mr. Duke's -- some lawyer called me or  
22 talked to me and Ms. Champion's and then Mr. Hasting.  
23 Q Have you discussed this with Mr. Perkins  
24 since the night of the wreck?  
25 A Not the accident. Just gave him

29

1 information that Mr. Whitt wanted to talk to him.  
2 Q Do you know how long he had been behind  
3 the Duke truck? The Lane Heard truck?  
4 MS. HAMMETT: Object to the form.  
5 A No, sir.  
6 Q He hasn't told you that?  
7 A No, sir.  
8 Q What he did say was, he's probably  
9 driving a little too close to the truck? But prior  
10 to the impact, he saw -- did he know it was you?  
11 A Yes, sir. He seen me passing. He was  
12 stopped when I passed him.  
13 Q He had earlier seen you coming south on  
14 231?  
15 MS. HAMMETT: Object to the form.  
16 A Yes, sir.  
17 Q And then as he approached where all of  
18 this occurred, he saw a taillight?  
19 MS. HAMMETT: Same objection.  
20 A Yes, sir.  
21 Q And then your chaps kind of rolling  
22 under?  
23 MS. HAMMETT: Same objection.  
24 A Right.  
25 Q I know it was dark? Correct?

30

1 A Yes, sir.  
2 Q It had stopped misting. How would you,  
3 Mr. Adkins, describe the visibility out there on the  
4 evening when all of this occurred?  
5 A Excellent.  
6 MR. SPARROW: I think that's all I have right  
7 now. Thank you.  
8 THE WITNESS: Yes, sir.  
9 CROSS EXAMINATION  
10 BY MR. FREEMAN:  
11 Q Mr. Adkins, I am Mac Freeman. I  
12 represent Christy Champion. How long have you been  
13 driving a motorcycle?  
14 A Since '75.  
15 Q '75?  
16 A 1975.  
17 Q How long had you had this particular  
18 bike?  
19 A Little over a year.  
20 Q Did you buy it new?  
21 A Yes, sir.  
22 Q And how much does that bike weigh?  
23 A 508 pounds.  
24 Q Have you ever been in a motorcycle wreck  
25 before?

31

1 A No, sir.  
2 Q First one ever?  
3 A Yes, sir.  
4 Q I think you already said you were  
5 familiar with that stretch of roadway with 231, where  
6 that happened?  
7 A Yes, sir.  
8 Q How often did you travel that before the  
9 accident?  
10 A Every day, twice a day. At least twice a  
11 day.  
12 Q Explain to me, again -- you kind of lost  
13 me, when you were talking about after the impact that  
14 you had with Mrs. Champion's car, where the bike was,  
15 and where her car was, and where you went around it,  
16 to her car? Just give me that in sequence, the  
17 location?  
18 A My bike was on the line, between the  
19 right and left lane. There was like a dotted line  
20 there where you can cross over. It was laying there  
21 with the headline southbound, the taillight  
22 northbound. I slid feet first, past her car, got up  
23 walked in front of car to the side -- passenger side,  
24 where she was standing hysterically crying, saying  
25 that she was sorry, she didn't see me. And I would

32

1 say probably 50 feet from Pinckard's maybe.

2 Q You said that you slid feet first?

3 A Yes, sir.

4 Q I thought you said earlier on your  
5 stomach?

6 A My stomach, feet first. I was laying on  
7 my stomach, sliding feet first. Somehow, I spun  
8 around -- when I hit my face and my hand, spun me  
9 backwards, and I was going like toes down on my  
10 stomach, feet first.

11 Q You would be facing back up towards  
12 Troy?

13 A Yes, sir.

14 Q And then you slid around right past where  
15 her car was stopped?

16 A Yes, sir, I few feet.

17 Q And her car was in that turn lane going  
18 into Pinckard's?

19 A She had pull's into the turn lane.

20 Q Your bike's headlights were facing, you  
21 say, southbound?

22 A Yes, sir.

23 Q And which way was -- if you are driving  
24 southbound on 231, was the bike laying on its -- on  
25 the right side, or was the bike laying on its left

33

1 time?

2 A Right. I had my helmet coming off the  
3 top of my head, my left hand. Because my right hand,  
4 I couldn't move it. And I asked her: What they hell  
5 was she thinking; what was her problem.

6 She said: I'm sorry. I didn't see you.

7 Q Was anything else said between y'all  
8 after that?

9 A No, sir, not at that time.

10 Q So you took off your helmet, and you  
11 asked her what the hell she was thinking. Then what  
12 did you do?

13 A I walked to the back of the car and bent  
14 over, trying to catch my breath. Leg was hurting. I  
15 was dragging -- more or less dragging it. My wrist  
16 was hurting. And the back of my neck was hurting.  
17 My face mask on my helmet was completely scratched  
18 up. And I was trying to catch my breath. And then,  
19 I turned to go out to the road. And look at the  
20 wheel of my bike and my taillight and all. And  
21 trying to think to myself, can I get it. Then all of  
22 sudden whoosh. That was it. It was over with.

23 Q That's right. Because you said all you  
24 felt was the wind from the truck?

25 A Right.

35

1 side?

2 A Left side.

3 Q It was laying on its left side, and you  
4 said about half of it or part of it was touching the  
5 dash line?

6 A It was more or less laying on top of the  
7 dash line. I tried to avoid her when I turned, and  
8 just laid it over.

9 Q The dash line divides the fast lane and  
10 the slow lane?

11 A Yes, sir.

12 Q All right. Now, explain to me what  
13 happened after you got up? You got up, and to your  
14 knowledge no cars drove by?

15 A Right.

16 Q Okay. When you got up, and then how far  
17 away from you -- were you from Ms. Champion's car?

18 A Four or five feet from the front end of  
19 the car.

20 Q Had she already gotten out of her car?

21 A Yes, sir.

22 Q What did you say to her?

23 A I asked her: What the hell was her  
24 problem.

25 Q You were taking your helmet off at the

34

1 Q You never saw the truck?

2 A I seen the truck.

3 Q You saw the truck when it hit the bike?

4 A Right.

5 Q But you had not seen it before then?

6 A Not at the accident. It may have been  
7 over the hill, but I didn't see it.

8 Q Just to be clear, I'm going to ask if you  
9 will, if you will draw -- I'm going to just so I can  
10 see for purpose of this deposition, where the  
11 vehicles were -- or where your vehicle was, and look  
12 I don't pretend to be an artist. But this is  
13 northbound. This is going towards Troy? Right?

14 A Yes, sir.

15 Q And this is the center lane. And then  
16 here is that other, you know, whatever turn lane to  
17 go to Pinckard's?

18 A It's kind of like that.

19 Q Okay. Just draw for me where -- first,  
20 this is that hill up here? Right.

21 A Right.

22 Q You said earlier you were cresting that  
23 hill is when you saw Ms. Champion? And she was  
24 stopped in the middle lane? Turn lane?

25 A Yes, sir.

36

1 Q You said it was about a hundred yards  
2 away?  
3 A Right. About 450 feet from the top of  
4 the hill to where the impact was; so maybe 300  
5 feet.  
6 Q All right. So you saw her about 300  
7 feet -- the first time you were about 300 feet away  
8 from the first time you saw her?  
9 A Yes, sir.  
10 Q You are saying after you saw her, from  
11 that point, you are saying it was about another 150  
12 feet from where the impact occurred?  
13 A Yes, sir.  
14 Q And you said that she had stopped in the  
15 middle lane?  
16 A Yes, sir.  
17 Q And you were traveling first in the left  
18 lane?  
19 A Yes, sir.  
20 Q How far away from you was her car when  
21 you moved from the left lane to the right lane?  
22 A Maybe 50 or 60 feet.  
23 Q You were traveling, what did you say?  
24 A 50, 55.  
25 Q Then you moved in the right lane. She is

37

1 A About 15 seconds.  
2 Q Did you understand that her car was going  
3 slower than your bike?  
4 A Yes, sir.  
5 Q And then you had, you said a few minutes  
6 ago, about five seconds that you both were in the  
7 right lane? You say that you didn't have enough time  
8 to move from the right lane to the left lane?  
9 A No. See, I put on my brakes, to try to  
10 to stop to avoid an accident. When I did, my back  
11 end fishtailed a little bit to the right. So I  
12 released my throttle and turned my handle bars. And  
13 I just barely clipped her bumper.  
14 Q Did you just try to move from the right  
15 lane to the left lane?  
16 A That's what I was trying to do.  
17 Q Why would you need to try to hit your  
18 breaks if you have five seconds?  
19 A Because the speed was a little different.  
20 It was like she was not moving and I was.  
21 Q She was going about 20, and you were  
22 going about 50?  
23 A Yes, sir.  
24 Q However fast you were closing in on her,  
25 you had about five seconds to decide if you needed to

39

1 in the left lane. You are going 50 miles an hour.  
2 You say she is going 20, how much time lapsed from  
3 the time you were in the right lane, and she was in  
4 the left lane, and she moved to the right lane?  
5 A It took me about five seconds before I  
6 hit her.  
7 Q Five seconds after you had gotten into  
8 the right lane?  
9 A No, sir. When she came into my lane of  
10 traffic.  
11 Q So you were -- y'all were both in the  
12 right lane for about five seconds before you hit the  
13 back of her car?  
14 A Right.  
15 Q Is it possible that you could you have  
16 gotten over from the right lane to the left lane to  
17 pass her?  
18 A I attempted to. That's why I hit her  
19 bumper, because she was traveling slower than I was,  
20 and I came up too fast on her.  
21 Q How long do you think you had seen her  
22 from the time you were sitting there, driving 231  
23 South, she was in the middle lane, start moving to  
24 the left lane, how long had you been able to watch  
25 her vehicle?

38

1 hit the breaks or change lanes too fast?  
2 A Right.  
3 Q Do you think if you had tried to, when  
4 you saw her moving to the right lane, if you had  
5 moved to the left lane faster?  
6 A I probably would have hit her dead center  
7 then.  
8 Q I thought y'all were both in the right  
9 lane?  
10 A Just five seconds isn't very long to make  
11 a decision.  
12 Q Okay. But you think it was five  
13 seconds?  
14 A About four to five seconds.  
15 Q Now it's four to five?  
16 A It was four to five seconds. Five  
17 seconds.  
18 Q Okay. Do you know about -- have you been  
19 out there with a tape measure?  
20 A Yes, sir.  
21 Q Do you know about how much distance it  
22 was then in that four or five seconds you traveled?  
23 A 140, 150 feet.  
24 Q You closed in that 140 feet 150 feet in  
25 about six seconds?

40

1 A Yes, sir.  
2 Q And I understand that is not a moment  
3 frozen. Both of y'all were moving. So you were  
4 gaining on her at the rate of 30 feet a second or  
5 something like that?  
6 A Yes, sir.  
7 Q You said that you saw both of her  
8 taillights?  
9 A Yes, sir.  
10 Q They were both working?  
11 A Yes, sir.  
12 Q They were both glowing?  
13 A Correct.  
14 Q And you saw her with the blinker  
15 activated?  
16 A Yes, sir.  
17 Q When did you see that?  
18 A When I topped the hill.  
19 Q When her blinker was activated was there  
20 any other vehicle between you and her?  
21 A One other car.  
22 Q Where was that?  
23 A It was right, passing her right as I  
24 topped the hill.  
25 Q Was that car in the left lane or right

41

1 Q You had that five seconds to decide what  
2 you were going to do?  
3 A Yes, sir.  
4 Q Now, after the impact occurred -- what  
5 part of your bike -- did the front wheel of your bike  
6 hit her car? Tell me about that?  
7 A My front wheel hit the drive-side bumper.  
8 Q So it hit the left-bumper area?  
9 A About eight inches from the end, I was  
10 told.  
11 Q And when your bike hit -- I'm not putting  
12 words in your mouth -- you say that you were going  
13 about 40 miles per hour --  
14 A At impact.  
15 Q -- I guess?  
16 A At impact. I though she was going 20.  
17 She looked like she was sitting still when I hit  
18 her.  
19 Q How long were you able to watch her to  
20 figure out what her speed was?  
21 A 15 or 20 seconds.  
22 Q And of those a 15 or 20 seconds, how  
23 many -- I think you've already answered this: How  
24 many of those 15 or 20 seconds was she in the right  
25 lane?

43

1 lane?  
2 A Left lane.  
3 Q How was traffic on just that night, after  
4 you left the restaurant? What was traffic like on  
5 231 south?  
6 A Slow.  
7 Q Slow?  
8 A Yes.  
9 Q What night was that on?  
10 A March 7th is all I know. Monday night.  
11 Q Monday night?  
12 A Monday night.  
13 Q And there was only one other car. And it  
14 had passed her. And you saw her, and then her  
15 blinker was on when she moved from the turn lane to  
16 the left lane?  
17 A Yes, sir.  
18 Q Did her blinker stay on?  
19 A Yes, sir.  
20 Q You saw her car move from the left lane  
21 to the right lane?  
22 A Yes, sir.  
23 Q At that point you were already in the  
24 right lane?  
25 A Yes, sir.

42

1 A In the right lane about five seconds.  
2 Q When your bike hit -- I understand it's  
3 hard to -- it happened fast. When it hit, you  
4 flipped over your handlebars?  
5 A That's correct.  
6 Q And when you hit the ground, you went  
7 into a turn. And you started sliding, feet first on  
8 your stomach?  
9 A Right.  
10 Q And your bike basically came to pretty  
11 much a stop, or if it slid, it was not very far?  
12 A That's correct.  
13 Q Then your bike, where the bike was  
14 resting in the roadway, how far was that from her car  
15 when she stopped?  
16 A 10 to 15 feet.  
17 Q How far was her car, in your best  
18 estimator, or if you know, what area her car from the  
19 concrete pad area where Pinckard's starts?  
20 A Around 50 feet.  
21 Q Have you measured that?  
22 A I didn't measure from her car to  
23 Pinckard's, but eye-balling, it's about 50 feet.  
24 Q Just draw it, where your bike was, draw  
25 however you want to do it, what shape, where the

44

1 vehicles came to rest. Where your bike was and where  
2 her car was?

3 A When we stopped?

4 Q Yeah. When he got -- after you had  
5 gotten done sliding across the payment. You got up.  
6 Where was your bike. And for your bike, do a little  
7 arrow showing which way the bike is facing. So the  
8 arrow is pointing southbound. It's basically facing  
9 straight on. And it was laying down? --

10 A On the left side.

11 Q -- on the left side?

12 A I could see my tires.

13 Q You could see your tires?

14 A Yes.

15 Q Does this bike have a -- did it have a  
16 windshield?

17 A Yes, sir.

18 Q How high is that windshield?

19 A About chest high.

20 Q You said a minute ago you had a side-bag  
21 on there?

22 A A side-bag and a saddle bag on the back,  
23 sissy bar.

24 Q What color was your bike?

25 A Maroon and black.

45

1 Q Put an "x" where you were when you came  
2 to a stop on the road?

3 A About there.

4 Q I'm going to put a blue "x". And "M.A."  
5 stands for Michael Adkins?

6 A Right.

7 Q That's where you were? When you got up,  
8 you walked over to her car?

9 A I walked over and stopped here where she  
10 was standing.

11 Q Put a little circle or something where  
12 you stopped?

13 A (Witness did as requested).

14 Q Where was she standing?

15 A Right there, where the circle.

16 Q And you walked up to where?

17 A I walked up to her and asked her what was  
18 her problem, what the hell was she thinking about.

19 Q Okay. And she said?

20 A I'm sorry. I didn't see you.

21 Q All right. From the time that you -- I  
22 know you didn't have a stop watch on. But from the  
23 time that you stopped skidding -- not your bike, but  
24 you -- and you kind of came to and walked over to  
25 her, how much time do you think went by?

47

1 Q And had a bunch of chrome?

2 A Yes, sir.

3 Q Did it have any sort of chrome -- what do  
4 you call it -- you know, like on cars, sometimes  
5 people have like a luggage rack on cars --

6 A No, sir.

7 Q Did it have any kind of chrome back there  
8 on that sissy bar?

9 A It did, but it was covered up by the  
10 black saddle bag.

11 Q You've got here in this square right  
12 here --

13 A That's her car.

14 Q That's Christy Champion's car?

15 A Right.

16 Q What I'm going to do, this blue circle --

17 A Yes, sir.

18 Q -- you say from the front of her car to  
19 Pinckard's is about a 50 feet?

20 A 50 feet.

21 Q 50 feet, 60, 70? Something like that?

22 A Around 50 feet.

23 Q To where the little concrete pad of  
24 Pinckard's is?

25 A Right.

46

1 A About ten seconds.

2 Q So it was pretty quick?

3 A Yeah.

4 Q Y'all had that exchange that lasted how  
5 long?

6 A Ten seconds. Just how fast I just said  
7 it to you, just a few seconds.

8 Q Then, in the meantime, had you taken your  
9 helmet all the way off?

10 A My helmet was in my left hand.

11 Q Were you in the grass area?

12 A I was in the grass.

13 Q Is there a ditch right there between the  
14 turn lane?

15 A There was a small ditch. The turn lane  
16 really stops. And then it goes again. And it's kind  
17 of like they built it, and then got another turn  
18 lane. Because there's a telephone pole there before  
19 the turn lane starts.

20 Q Do you know from points of reference  
21 where that telephone pole is?

22 A It's in front of a company's big fence,  
23 over there on the right-hand side.

24 Q Up this way?

25 A This is a hill. It's going to be here.

48



1 Q Where there's a driveway?  
 2 A Here.  
 3 Q Like a dirt, gravel driveway or  
 4 something?  
 5 A Right, yes, sir. Then there's a fence  
 6 that blocks it from going through there.  
 7 Q Okay. But from the gravel driveway on up  
 8 to Pinckard's, it's there, a full lane. What I want  
 9 to know, where y'all are standing, are you standing  
 10 in the turn lane or the grass or --  
 11 A In the grass.  
 12 Q Or are you standing in the ditch?  
 13 A In the grass. It's like a little -- it's  
 14 not a ditch.  
 15 Q How deep down does it go? I mean, I've  
 16 been out there?  
 17 A Six inches, eight inches.  
 18 Q Were you standing in that area? Were you  
 19 standing on the other side of the ditch?  
 20 A Standing right there on the other side of  
 21 the ditch, right before the hump.  
 22 Q All right. Just -- okay. So this right  
 23 here -- I'm not trying to belabor this. That's kind  
 24 of the little ditch?  
 25 A Little hump.

49

1 A Four or five seconds. Just long enough  
 2 to get my breath and my stomach.  
 3 Q When you were sitting there getting your  
 4 breath, what were you planning on doing?  
 5 A See if I could move my motorcycle.  
 6 Q You had actually thought about I need to  
 7 go move my bike?  
 8 A Right.  
 9 Q As I understand it, before moving your  
 10 bike, you went over to talk to Ms. Champion?  
 11 A I was coming off the road in front of her  
 12 car. And we met right there.  
 13 Q Y'all had that conversation?  
 14 A Yeah.  
 15 Q At that point did you think -- when was  
 16 the first time that you went back and saw your bike  
 17 in the road? Did you realize that it was in the road  
 18 when you quit sliding?  
 19 You were looking back up? You were in  
 20 the southbound lane, looking north? You could see  
 21 your bike in the road?  
 22 A At that time I was not looking at the  
 23 bike.  
 24 Q Where were you looking?  
 25 A Looking at the ground.

51

1 Q You were on this other side?  
 2 A Right.  
 3 Q So you weren't in between the ditch and  
 4 the turn lane? You were between the ditch and the  
 5 trees?  
 6 A Right.  
 7 Q Y'all had the exchange? You took off  
 8 your helmet? Tell me what happened next?  
 9 A I walked up to the gravel -- the asphalt  
 10 starts here. And I stood there. I went over to  
 11 catch my breath, when I looked up, it was all over  
 12 with.  
 13 Q All right. This right here, what I'm  
 14 going to do, put a little "x" and circle around, you  
 15 said earlier that you stood up. And you said earlier  
 16 that you walked maybe about three feet from the dirt  
 17 to --  
 18 A Right. To the asphalt.  
 19 Q To the little turn lane?  
 20 A Right.  
 21 Q You put your hands on your knees?  
 22 A I bent over to get a breathe. When I  
 23 raised up, "whish, boom." That was it.  
 24 Q How long did you bend over to take a  
 25 breath?

50

1 Q Okay. And when you got up, did you look  
 2 at the bike?  
 3 A No, sir.  
 4 Q You just looked directly at Ms. Champion?  
 5 A I looked to the side of the grassy hill.  
 6 And I wanted to get off at road before any traffic  
 7 came down.  
 8 Q So you looked back up the road, and you  
 9 didn't see any traffic?  
 10 A No, sir.  
 11 Q There was no vehicles?  
 12 A No, sir.  
 13 Q What about vehicles, if you remember, or  
 14 notice any cars northbound?  
 15 A I didn't see any at that time.  
 16 Q And you at least looked up one time  
 17 before you -- as you were getting off the road? --  
 18 A Yes, sir.  
 19 Q -- to talk to Ms. Champion?  
 20 A Yes, sir.  
 21 Q You saw no vehicles coming?  
 22 A Yes, sir. That I could see.  
 23 Q How far from where you were standing to  
 24 go the crest of that hill, is back up to the road?  
 25 A About 450 feet.

52



1 Q 450 feet. You walked around to talk to  
2 her. Then you -- when did it first cross your mind  
3 that, hey, I need to move my bike?  
4 A When I took a deep breath and saw it  
5 laying there.  
6 Q That's the first time you realized where  
7 the bike was?  
8 A Yes, sir.  
9 Q Had you thought about where the bike  
10 was?  
11 A Yes, sir.  
12 Q Was it your intention to get up and go  
13 move the bike?  
14 A Yes, if I could.  
15 Q Why was that?  
16 A That was a \$10,000 motorcycle. I wanted  
17 it.  
18 Q You could see the headlight on the bike  
19 still working? It was shining towards y'all or  
20 towards --  
21 A Towards southbound. I was closer to the  
22 taillight more or less, at the point where I was  
23 standing. I could see the taillight more than I  
24 could see the headlight. After I walked around to  
25 get my breath, I looked up. I could see the

53

1 less?  
2 A Yes, sir.  
3 Q Could it have been two minutes?  
4 A It was about a minute. It happened real  
5 fast.  
6 Q And when you had your hands down on your  
7 knees, catching your breath, was it at that point  
8 that you felt the wind of the truck?  
9 A No, sir. I stood up. Looked at my bike.  
10 And that's when it happened.  
11 Q So you felt the wind of the truck before  
12 you saw the truck?  
13 A Yes.  
14 Q Can you hear well?  
15 A Yes, sir.  
16 Q Could you hear that night?  
17 A Yes, sir.  
18 Q You could not hear that truck?  
19 A No, sir.  
20 Q You couldn't hear the truck?  
21 A There was nothing but a "ker-boom." That  
22 was it.  
23 Q You didn't hear skidding going on?  
24 A No, sir.  
25 Q Did you ever see any out of the corner of

55

1 taillight and my tires.  
2 Q All right. I think you testified earlier  
3 that you were probably about eight feet away from the  
4 bike?  
5 A Something like that.  
6 Q Did you ever think about: I've got to  
7 move this bike before another vehicle hits my car?  
8 A At that time I was in pain and hoping my  
9 neck wasn't broke.  
10 Q What all did you hurt? You broke your  
11 wrist?  
12 A I broke my wrist. My neck was bruised.  
13 And I had a contusion on my leg.  
14 Q And I know you have been asked time  
15 questions a ton of times. I'm going to do it again.  
16 How much time do you think from the time of your  
17 motorcycle and the car impact, to when the truck hit  
18 your bike?  
19 A Less than a minute.  
20 Q Less than a minute. Do you think it  
21 could have been more than a minute?  
22 A Not as fast as stuff was happening.  
23 Q You don't know for sure?  
24 A Not to my knowledge. It couldn't --  
25 Q You are convinced it was a minute or

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1 your eye?  
2 A No, sir.  
3 Q Did you ever see any out of the corner of  
4 your eye or directly the truck's headlight?  
5 A No, sir. At the time I raised up, he hit  
6 my bike.  
7 Q And I think when you raised up, you were  
8 facing -- your bike is out there in the road, just  
9 straight ahead of you? You are facing perpendicular  
10 to the road? Does that make sense?  
11 A Yes, sir.  
12 Q You are probably about eight or nine  
13 feet from the bike?  
14 A Yes, sir.  
15 Q After you raise your head up, is when you  
16 felt that wind and then "bam"?  
17 A Yes, sir.  
18 Q The right -- what part of the truck hit  
19 the bike?  
20 A It was just like a ball under the front  
21 tires. And that was lodged on top of my bike. His  
22 right tire was turned to the left. And as he went  
23 across the road, sparks were flying everywhere. And  
24 about middle ways, a small explosion took place. And  
25 I could see flames on the cab of the truck from my

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1 gas tank, where it exploded. And that's all I heard,  
2 then a big explosion. And that's all I seen.

3 Q Did the right front tire of the truck hit  
4 the bike?

5 A About in the center of the truck.

6 Q So it basically just -- if your bike is  
7 about in the center of the road, was the truck in the  
8 center of the road, too, then?

9 A Evidently. He evidently seen her car  
10 sitting there, and he was trying to get away from  
11 us.

12 Q But you don't know one way or the other  
13 for sure?

14 A No, sir.

15 Q One of these interrogatory answers that  
16 you gave -- let's see, to make sure this is yours.  
17 Have you seen this before?

18 A Yes, sir.

19 Q Are all these answered to your knowledge  
20 true and accurately?

21 A Yes, sir.

22 Q One thing that I'm trying to figure out  
23 is your answer on number 6, if you will turn to the  
24 page after the top of the next page, where your  
25 answer number 6, says: I was able to stand up and

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1 Q Didn't you first see the truck when it  
2 had already hit it?

3 A That's what I'm saying. When the wind  
4 blew, I looked up -- when the wind blew, I looked up,  
5 and I seen the semi just run over my bike. No brake  
6 lights, no skidding, no nothing. What he did before  
7 then, I couldn't tell you.

8 Q That's what I was trying to figure out.  
9 After the truck hit the bike -- and I think we have  
10 been over it plenty -- made the hard left, who all  
11 did you talk to out there, besides Christy Champion?

12 A That guy Ronny.

13 Q I'm trying to figure out, you said that  
14 Ronny was traveling behind the truck?

15 A Yeah. He said he was in the right-hand  
16 lane behind the truck.

17 Q The truck was in the right lane, too?

18 A Yes, sir.

19 Q What did he tell you? Was he traveling  
20 behind the truck as the truck crested the hill?

21 MS. HAMMETT: Object to the form.

22 A He just told me he was behind the truck.

23 Q All right. But you say at some point he  
24 told you that he could see the taillight on your  
25 bike?

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1 Limp over to the side of the road. At some point  
2 soon after the accident, I saw the tractor trailer,  
3 that I now know was driven by Michael Duke, approach  
4 on Highway 231 south. This vehicle did not make any  
5 effort to stop and run over my motorcycle.

6 The way I am reading it, it looks like  
7 you say that you saw the truck approaching. Did you  
8 see a truck approaching? Or did you feel the wind of  
9 the truck as it went by?

10 A I felt the wind and seen the truck as it  
11 hit my bike.

12 Q So any effort it made or didn't make to  
13 not hit your motorcycle is --

14 A I've no idea.

15 Q You don't know?

16 A No, sir.

17 Q So part of that answer is not entirely  
18 accurate, is it?

19 MR. WHITT: Which part?

20 Q Well, I mean, I just asked him if he saw  
21 the truck. And he said that he felt the wind. How  
22 do you know what effort, if any, he made to avoid it?

23 A I saw no brake lights. I did not see the  
24 truck try to swerve or veer or anything. It just run  
25 over it like it wasn't even there.

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1 MS. HAMMETT: Object to the form.

2 A Yes, sir.

3 Q When he could see the taillight on your  
4 bike, that was apparently when it was laying out in  
5 the roadway?

6 A Yes, sir.

7 Q Did he say the bike was still laying in  
8 the roadway?

9 A He said it was laying in the road and he  
10 could see my taillight.

11 Q And he could see? If he was traveling  
12 behind the truck, how did he see that?

13 A I can't answer that.

14 Q I think a minute ago, you said he could  
15 see it under the truck?

16 A He said that he could see my taillight  
17 laying in the road under the truck. That's all he  
18 told me. I haven't had no other conversation about  
19 what he saw.

20 Q Did he see the bike under the truck after  
21 the truck already ran over it? Or did he see it  
22 when -- as they were approaching the bike?

23 MS. HAMMETT: Object to the form.

24 A He told me that he seen it before the  
25 truck hit it.

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1 Q Did he tell you that that night?  
2 A Yes, sir.  
3 Q Who else did you talk to besides Ronny?  
4 A Mother-in-law.  
5 Q Anybody else?  
6 A No, sir.  
7 Q How long do you think you were out there  
8 at the scene?  
9 A Twenty-five minutes.  
10 Q Where did you go after that?  
11 A To the hospital.  
12 Q You rode in the ambulance?  
13 A Yes, sir.  
14 Q And they x-rayed you there at the  
15 hospital?  
16 A Yes, sir.  
17 Q Did you spend night in the hospital?  
18 A No, sir. I stayed there about two hours,  
19 three hours.  
20 Q You gave a statement to the state  
21 trooper?  
22 A Yes, sir.  
23 Q Did anybody at any point from the time  
24 the accident happened, up until today, besides your  
25 lawyers, has anybody said: Hey, I saw what

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1 happened?  
2 A No, sir.  
3 Q Or, I saw every bit of it?  
4 A No, sir.  
5 Q I just don't want you to come -- at the  
6 trial, come up and say: Hey, actually I know  
7 somebody who was standing outside at Pinckard's and  
8 they saw the whole thing.  
9 A Just that guy Ronny.  
10 Q He'll say that he was driving behind the  
11 truck, both of them going southbound in the right  
12 lane; and he saw the taillights of the bike?  
13 MR. WHITT: Object to the form.  
14 A Yes, sir.  
15 Q Did he tell you about how far away the  
16 bike was when he saw the taillights?  
17 A No, sir.  
18 Q Have you talked to him about it since  
19 then?  
20 A No, sir. Just told him that Mr. Whitt  
21 wanted to talk to him.  
22 Q Do you still work with him?  
23 A I work in a different department, but  
24 with the same company.  
25 Q Do y'all work in the same building?

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1 A No, sir. The building is connected to  
2 the building.  
3 Q Do you see him every week?  
4 A If I go to the restroom, I may see him  
5 welding, other than that, I don't see him.  
6 Q Are you good friends?  
7 A No, sir.  
8 Q Y'all ain't enemies?  
9 A I talk to him at work when I see him.  
10 And that's it. I don't even know where he lives.  
11 Q You know what I mean.  
12 A No.  
13 Q I was just trying to figure out. You  
14 said no. At some point you had filed suit against  
15 Ms. Champion? Are you still pursuing that?  
16 A Yes, sir.  
17 Q Okay. And that's based on?  
18 A I lost over three weeks of work and my  
19 pain and suffering, loss of my motorcycle.  
20 Q Tell me about the three weeks of work?  
21 How much --  
22 A Forty hours a week, plus -- but that's it  
23 three weeks.  
24 Q Lost wages?  
25 A I make about 400-and-something a week.

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1 Q Do you have to take sick time off,  
2 vacation time?  
3 A Lost time.  
4 Q Lost time? Lost money?  
5 A Yes, sir.  
6 Q And then the pain and suffering,  
7 obviously with the wrist. Whatever came out about  
8 your neck?  
9 A Just bruised. My helmet protected my  
10 face and all. And my chin was sore for a while.  
11 Q Do you still have the helmet?  
12 A No. It was no good.  
13 Q What did do you with it?  
14 A Trashed it.  
15 Q So your neck was okay?  
16 A Back of my neck was okay. Just  
17 bruised.  
18 Q How long was your neck hurt?  
19 A About a month.  
20 Q What happened with your knee?  
21 A I had a contusion on my leg, a big  
22 bruise. It went away after five or six weeks.  
23 Q You missed work. Why did you miss --  
24 A Because I had a cast on my arm. And  
25 being that I worked around lead at the time and

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1 climbing ladders and worked with heavy equipment, my  
2 boss wouldn't let me work. It was a safety hazard.  
3 Q And your pain and suffering, how many  
4 weeks did that last?  
5 A Six weeks, the healing up from  
6 everything.  
7 Q And what all doctors did you go see?  
8 A Dr. Diciara. And he referred me to  
9 whoever.  
10 Q Was that primarily for your wrist?  
11 A I went to the hospital, first. They said  
12 that I needed to go to my doctor. I went to my  
13 doctor. And he was the one that sent me to  
14 Dr. Walock, which is in his building, that does  
15 casts. And he put the cast on my wrist.  
16 Q Which hospital did you go?  
17 A Troy Regional.  
18 Q The next doctor that you say was --  
19 A Dr. Diciara.  
20 Q After you say Dr. Diciara, who did you  
21 go see?  
22 A He sent me to his bone specialist,  
23 Dr. Walock.  
24 Q How many times did you go see Dr. Walock?  
25 A Maybe four times total.

65

1 A No, sir.  
2 Q So the pain and suffering is limited to  
3 what? Your wrist, or your whole body, or what?  
4 A My leg, my neck and my wrist for about  
5 six weeks.  
6 Q All three parts were hurting for six  
7 weeks?  
8 A Yes, sir.  
9 Q Any other sort of claim for mental  
10 anguish?  
11 A No, sir.  
12 Q For your bike?  
13 A It was a 97-hundred-dollar bike. I got  
14 51-hundred out of the insurance company.  
15 Q What year was that bike?  
16 A 2004.  
17 Q You had it a little over a year?  
18 A Right. A lot of miles on it.  
19 Q How many miles were on it?  
20 A Close to 1200.  
21 Q Is that your sole method of  
22 transportation?  
23 A No, sir.  
24 Q What did you have besides that?  
25 A 2004 Silverado.

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1 Q Did you have to pay for all of these  
2 doctors' visits, or did you have health insurance?  
3 A I had health insurance. But I never got  
4 a bill from them.  
5 Q Did you pay co-pays?  
6 A No, sir.  
7 Q Any doctor prescribed physical therapy  
8 for your wrist?  
9 A No, sir.  
10 Q And after going there and getting that  
11 cast on, what about treatment for your leg or neck?  
12 Did you have to get treatment, or did they just check  
13 you out to see if you had a bruise, or you were sore?  
14 A That about does it.  
15 Q The only treatment you got following this  
16 was follow-ups --  
17 A That's about it.  
18 Q Put the cast on. How long did you wear  
19 the cast?  
20 A Three weeks.  
21 Q You got that off. Do you have any  
22 problems with your wrist today?  
23 A No, sir.  
24 Q So you don't have any sort of  
25 out-of-pocket expenses for medical bills?

66

1 Q So you had two bikes?  
2 A It's a car -- truck.  
3 Q Ch, Silverado, a Chevy?  
4 A The truck was.  
5 Q Do you still have that Chevy?  
6 A Yes, sir.  
7 Q Were you ever without transportation?  
8 A No, sir.  
9 Q Could you drive even though you had a bad  
10 right wrist?  
11 A Yes, sir.  
12 Q Do you have a bike today?  
13 A Yes, sir.  
14 Q What kind is it?  
15 A 7050 Shadow, Honda.  
16 Q What year?  
17 A 2003.  
18 Q Did you buy it used?  
19 A Yes, sir.  
20 Q Who did you buy it from?  
21 A Ward's Yamaha. I think it's Ward's.  
22 Q How much did you pay for it?  
23 A Fifty-two hundred.  
24 Q Are you making claim for the difference?  
25 You said you got fifty-one hundred bucks for that

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1 Yamaha? And you paid ninety-seven hundred for it?

2 A Yes, sir.

3 Q Do you know what it was worth five  
4 minutes before this accident?

5 A They said with the depreciation and the  
6 mileage, that's what they gave me, was the fifty-one  
7 hundred.

8 Q What was it worth to you?

9 A Worth enough to get another bike, at  
10 least 7-or 8,000.

11 Q 7-or 8,000.

12 A That's what it sold for before.

13 Q How much did you say that Honda cost?

14 A Fifty-two.

15 MR. FREEMAN: That's all I've got.

16 THE WITNESS: Can we take a short break?

17 MR. FREEMAN: Sure.

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1 up or over? Do you know? Did you look straight  
2 over?

3 A I got up, stumbled off the road.

4 Q At that moment were you aware of your  
5 surroundings?

6 A I think I was.

7 Q And correct me if I'm wrong. I think  
8 your testimony is that at that point, if you had  
9 looked up, you would see your headlight of the  
10 motorcycle or the taillight? Which one?

11 A Headlight.

12 Q Okay. But you didn't notice it at the  
13 time, right after the accident?

14 A No, ma'am.

15 Q And just to clarify, when was the first  
16 moment that you were aware that your motorcycle was  
17 still on the road?

18 A When I walked over to talk to  
19 Ms. Champion, I leaned down to catch my breath  
20 because -- had pain in my leg and wrist. I raised  
21 up, seen my bike laying there. And all of a sudden  
22 the wind from the truck just blew by me.

23 Q Let's talk about that for a second. You  
24 testified that you did not see that truck until the  
25 moment it hit your motorcycle?

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1 CROSS EXAMINATION

2 BY MS. HAMMETT:

3 Q Mr. Adkins, my name is Katie Hammett. I  
4 represent Lane Heard Trucking. I'll go ahead and  
5 apologize. I probably will go over some questions  
6 that you have already answered. Lawyers tend to do  
7 that.

8 You stated earlier that after you were  
9 thrown from the motorcycle after collision with  
10 Ms. Champion, that you went feet first and slid on  
11 your stomach?

12 A Yes, ma'am.

13 Q What were you wearing that night?

14 A Real thick, thirty-millimeter yellow rain  
15 suit.

16 Q Okay.

17 A And leather gloves and boots.

18 Q Did you suffer any scraps or scratches on  
19 your stomach?

20 A No, ma'am.

21 Q Was the rain suit or the gloves, were  
22 they damaged in anyway?

23 A The rain suit smelled like motor fuel,  
24 gas. And the gloves smelled like gas.

25 Q So at the moment after you slid, you look

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1 A That's correct.

2 Q I think Mr. Sparrow asked you earlier for  
3 an estimate of the speed at the impact. How are you  
4 able to estimate the speed that truck was going if  
5 you never saw it?

6 A Well, by living here, you can stand on  
7 231 with speed gauge, nine of ten trucks are going to  
8 be doing 65, 70 miles an hour. With the wind hitting  
9 me the way it did, it had to be.

10 Q Have you ever stood on the side of 231  
11 with a speed gauge?

12 A I've been in my truck, and then passing,  
13 and they were going fast.

14 Q I understand that. But, did you pass  
15 Mr. Duke's truck that evening?

16 A I did not see him.

17 Q So you are just kind of guessing that,  
18 because he is truck going 231, that's probably how  
19 fast --

20 A The way the wind hit me, I would say that  
21 he was doing it pretty quick. He was doing it pretty  
22 fast.

23 Q Did any other cars pass you?

24 A No, ma'am.

25 Q So you didn't feel any wind before?

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1 A No, ma'am.  
2 Q So you didn't have anything to compare  
3 that wind to?  
4 A No, ma'am.  
5 Q So your only real point of reference to  
6 determine how fast that truck was going was the  
7 wind?  
8 A Right.  
9 Q Do you think if you had been in your car  
10 following behind, you would have had a better  
11 estimate of how fast you were going?  
12 A Sure.  
13 Q So you would defer to somebody that was  
14 following behind that truck as to how fast he was  
15 going?  
16 A That's correct.  
17 Q You have been asked some questions about  
18 Ronny Perkins?  
19 A Yes, ma'am.  
20 Q And what he might have said to you that  
21 night?  
22 A Yes, ma'am.  
23 Q At what point did you talk to him that  
24 evening?  
25 A After everything took place, the

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1 across the road, I seen my -- my bike blew up. And I  
2 seen gas, like flames, go all over the truck. I  
3 heard a -- I seen a big explosion. And I heard six  
4 little explosions. I did not see another truck.  
5 Q So you never observed Mr. Ruhnow's truck  
6 coming, the northbound truck at all before this  
7 happened?  
8 A No, ma'am.  
9 Q Tell me again exactly where you saw your  
10 motorcycle lodged under --  
11 A There like a ball under the front of the  
12 truck, like a turning axle or something in front of  
13 the truck. It looked like it was lodged under  
14 there.  
15 Q Somewhere in like the steering  
16 compartment it got lodged?  
17 A Yes, ma'am. And the truck went at an  
18 angle. So all I could see was the cab and the back  
19 of the truck. I couldn't see what was in front of  
20 it.  
21 Q Did you ever see what appeared to be the  
22 tractor or the trailer tipping over?  
23 A No, ma'am.  
24 Q Were you paying attention to that, or  
25 were you just kind of focusing on your motorcycle?

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1 explosions and all. I was standing over there  
2 waiting to get my phone back from that lady, Ms.  
3 Champion. And he walked up.  
4 He said: I thought you were dead. I  
5 seen your chaps come out from under that truck. I  
6 thought that was your leg. I'm glad you're okay.  
7 Q So after the two trucks had collided.  
8 A Right.  
9 Q Did you see the collision between the  
10 other two trucks?  
11 A No, ma'am. I was told there was one  
12 truck.  
13 Q Who told you that?  
14 A The ambulance driver.  
15 Q So what did you do then, right after you  
16 saw Mr. Duke's truck had hit your motorcycle?  
17 A Just stared in disbelief that bike was  
18 gone.  
19 Q You did testify that he made a hard left?  
20 A No, ma'am. When his right tire went off  
21 the ground, it veered him to the left. I didn't see  
22 steering, like a hard left.  
23 Q So at that point, did you turn your  
24 attention, if you never saw the collision?  
25 A I just stared at my bike. And halfway

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1 A After the explosion, I made a phone call  
2 and my mother in-law came and we spoke.  
3 Q Did you call 911 first, after the  
4 accident?  
5 A No, ma'am.  
6 Q Did you ever call 911?  
7 A No, ma'am.  
8 Q You didn't?  
9 A No, ma'am.  
10 Q Did Ms. Champion call 911?  
11 A No, ma'am.  
12 Q Did you think to call 911?  
13 A No, ma'am.  
14 Q After the two trucks collided or the  
15 collision, did you call 911 then?  
16 A I called for help from mother-in-law, to  
17 take me to the hospital.  
18 Q How long did it take her to arrive?  
19 A Ten minutes.  
20 Q Was it between that and the ten minutes  
21 that it took her to get there, that you talked to  
22 Ronny Perkins?  
23 A Yes, ma'am. I talked to him after he  
24 called.  
25 Q Did he call 911?

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1 A Not to my knowledge.  
2 Q Did anybody go over to help?  
3 A There was people in the road. There was  
4 a guy named J. R. He was a policeman at the time.  
5 And I seen a guy come up from the ditch that was  
6 burned up from the other side of the road.  
7 Q Let's talk about J. R. Who was that?  
8 A I couldn't tell you.  
9 Q How do you know who he was.  
10 A He was an in-plant welder. He quit being  
11 a policeman and came up there to be an in-plant  
12 welder.  
13 Q Obviously, you had a conversation with  
14 him to know he was in-plant welder.  
15 A The next day when I went to work, he told  
16 me that he was a policemen on duty -- off duty, and  
17 he had seen the accident.  
18 Q So he worked with you?  
19 A He was a welder there.  
20 Q Okay. Okay. So we have Ronny and  
21 somebody named J. R.?  
22 A Right.  
23 Q He saw the accident? Does he still work  
24 with you?  
25 A No, ma'am. I couldn't -- he quit.

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1 only one truck?  
2 A Right.  
3 Q Do you know, sitting here it today, if  
4 that was Mr. Duke?  
5 A I was told it was.  
6 Q What did he look like?  
7 A He was laying on his back with his feet  
8 turn backwards down to the gurney.  
9 Q So he was like -- his waist was  
10 twisted?  
11 A Right.  
12 Q So he was face up, but his feet were in  
13 the opposite direction? Was he alive?  
14 A They were -- had a thing pumping him to  
15 help him breath.  
16 Q So you never heard him speak?  
17 A No, ma'am.  
18 Q Was he burned?  
19 A His clothes were black and stuff. I  
20 couldn't tell you.  
21 Q Did you ever see anyone else? Did you  
22 ever see the other driver that you may have been --  
23 A I seen a man come out of the ditch with  
24 his skin peeled off.  
25 Q Did he come unassisted? Or were people

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1 Q Did he assist with the people?  
2 A He assisted the people. I don't know if  
3 he actually saw the accident. But he seen the fire  
4 and all.  
5 Q The aftermath?  
6 A Yes.  
7 Q What did he tell you that day?  
8 A He told me that one of the semi's laid on  
9 its side and hit the other truck and stood back up.  
10 And I was like, no, that ain't how it happened.  
11 Q At any point, did you ever ask about the  
12 other drivers?  
13 A When I was in the ambulance, the  
14 ambulance driver said that the driver was expected  
15 DOA, and the passenger was burned up.  
16 When we got to the hospital, that's when  
17 the state trooper said there were two trucks  
18 involved.  
19 Q You stated earlier they put someone in  
20 the ambulance with you?  
21 A Yes, ma'am.  
22 Q Do you know who that was?  
23 A They told me it was the driver that run  
24 over my motorcycle.  
25 Q But at the time, you thought there was

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1 helping him?  
2 A They got him in another ambulance.  
3 Q How long was it from the time the two  
4 trucks collided you were standing over here before  
5 you understood that people were getting help?  
6 A Ten minutes.  
7 Q Did you call the highway patrol?  
8 A I made one phone call.  
9 Q And you may not be able to answer this;  
10 but why didn't you call for help?  
11 A I had a lot of pain. My neck was  
12 hurting. I didn't have no brace or nothing on my  
13 neck. I didn't know if it was broke, if it was going  
14 to do me damage by moving it. My wrist was hurting.  
15 I couldn't hardly stand up. I was just in a lot of  
16 pain. I didn't think about it.  
17 Q So in that ten minutes, I know you at  
18 least talked to Ronny Perkins. Were you standing  
19 down? Were you sitting up?  
20 A I was standing on the grass hill on the  
21 opposite side of the ditch.  
22 Q Did you move around at all?  
23 A Not much at all.  
24 Q Did you talk to Ms. Champion, again?  
25 A No, ma'am. She was sitting on the ditch

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1 crying.  
2 Q You never heard anyone make a phone call  
3 to anyone else?  
4 A No, ma'am.  
5 Q All you know, you called your  
6 mother-in-law?  
7 A Right.  
8 Q You were coming from a Chinese  
9 Restaurant? Is that right?  
10 A Yes, ma'am.  
11 Q How long had you been on 231 before you  
12 collided with Ms. Champion?  
13 A Fifteen minutes.  
14 Q Had you passed many vehicles?  
15 A I passed a few vehicle in the right land.  
16 There's red lights all down through there, so I had  
17 to stop.  
18 Q Had you passed any tractor trailer?  
19 A Yes, ma'am.  
20 Q Do you know how many you passed?  
21 A No, ma'am.  
22 Q Do you know what colors they were?  
23 A No, ma'am.  
24 Q Do you remember any distinctive vehicle  
25 that you might have passed?

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1 A No, ma'am.  
2 Q So other than -- we've got J.R., who we  
3 don't know. We have Ronny Perkins. You saw somebody  
4 coming up that was burned from the ditch?  
5 A Right.  
6 Q You saw Mr. Duke in the -- or at least  
7 who we believe is Mr. Duke in the ambulance?  
8 A Right.  
9 Q We have Christy Champion on the side. Is  
10 there anybody else that you talked to other than the  
11 state trooper?  
12 A My mother-in-law.  
13 Q Was she alone?  
14 A She come -- she ran from where they  
15 stopped -- the traffic stopped, to me.  
16 Q Was she alone?  
17 A When she got to me, she was.  
18 Q Did you have a conversation with her at  
19 that point?  
20 A Yes, ma'am.  
21 Q What did he tell her?  
22 A She grabbed me, and wanted to know what  
23 happened, and I told her.  
24 Q What did you tell her?  
25 A That there was an accident, and a lady

82

1 pulled out in front of me. And I hit her. And that  
2 was it, as far as the accident.  
3 Q Were you within earshot of Christy  
4 Champion most of time that you were of the side of  
5 the road?  
6 A Yes, ma'am. She was sitting on the  
7 embankment crying.  
8 Q And she borrowed your phone? Is that  
9 correct? To call someone you don't know who?  
10 A Yes, ma'am.  
11 Q Did she make one phone call or more  
12 than --  
13 A One phone call.  
14 Q What state trooper did you talk to?  
15 A I have no idea.  
16 Q Did you talk to someone on the scene or  
17 someone --  
18 A Someone walked across the road and asked  
19 if I was on the motorcycle, and I said: Yes.  
20 He said: Are you okay.  
21 I said: No, I'm hurting.  
22 He said: Well, you can ride in the  
23 ambulance with that driver, and they won't charge  
24 you.  
25 Q Was that a uniform police officer?

83

1 A It was a plain-clothes --  
2 Q Was it a police officer?  
3 A He didn't identify himself.  
4 Q So then you went to the hospital?  
5 A Yes, ma'am.  
6 Q At some point did you give a statement to  
7 the police?  
8 A The state trooper, when he called me  
9 outside and said he was going to do a drug test, he  
10 asked what happened. He had Ms. Champion's driver's  
11 license on a clip board. I told him what happened.  
12 He said that I had to stay there to do a test, and  
13 then he let me go.  
14 Q Did you do a drug test?  
15 A Yes.  
16 Q Blood and urine?  
17 A They took blood from me.  
18 Q Have you received the results from  
19 that?  
20 A No, ma'am.  
21 Q Had you been drinking?  
22 A I don't drink.  
23 Q Had you used drugs?  
24 A I don't use drugs.  
25 Q Have you ever gotten a traffic ticket

84

1 before?

2 A Yes, ma'am.

3 Q How many have you gotten?

4 A Four or five. I don't know.

5 Q Ever while on a motorcycle?

6 A No, ma'am.

7 Q Were they all for speeding?

8 A No, ma'am.

9 Q What were they?

10 A One of them was going down a closed road.

11 The people that lived there only were suppose to be

12 going down that road. And the other one was for

13 speeding.

14 Q At the time that you spoke to the state  
15 trooper, after all of that happened, and you came to  
16 give the blood test, is that the point you understood  
17 there were two trucks involved?

18 A Yes, ma'am.

19 Q What did he tell you?

20 A He just said two trucks collided. The  
21 one that run over my motorcycle was DOA. And he said  
22 the other one was burned up, second degree burns or  
23 something like that.

24 Q I think you testified earlier that  
25 your -- when you collided with Ms. Champion, you hit

85

1 in the road?

2 A Her car or her?

3 Q Her.

4 A Fifteen feet.

5 Q Was she sitting or standing next to

6 you?

7 A She was standing on the passenger side of

8 the car on the hill, like, squatting, standing

9 crying.

10 Q You didn't ever see her make a move to go

11 onto the roadway to move your motorcycle?

12 A She didn't move off the hill.

13 Q Could she see your motorcycle from where

14 she was standing?

15 A I don't know.

16 Q Could you?

17 A Yes, ma'am.

18 Q You were standing next to her?

19 A I was standing probably from where I am

20 to you.

21 Q I'm terrible estimating.

22 A About eight feet.

23 Q Okay. How bad was your leg hurt?

24 A It was -- it was swollen up almost twice

25 the size, had a bruise 13, 14 inches long. And I

87

1 her back bumper on the driver's side?

2 A Yes, ma'am.

3 Q About eight inches away from the end?

4 A Yes, ma'am.

5 Q When you said that, that I was told it  
6 was about eight inches away. Who told you that?

7 A Police officer.

8 Q Do you know how he knew that?

9 A Something about the mark on my bumper.

10 Supposedly my front wheel took out the right light.

11 And my back end took out the other light.

12 Q Do you have an independent recollection  
13 of where you hit her in the back of her vehicle, or  
14 where y'all touched?

15 A I turned my steering wheel, and I hit the  
16 bumper. I was told I almost missed her, but I  
17 didn't.

18 Q Have you ever witnessed an accident  
19 before?

20 A No, ma'am.

21 Q I think you said earlier that you have  
22 never been involved in an accident?

23 A No, ma'am.

24 Q Give me just minute. How far away was  
25 Ms. Champion from your motorcycle while it was laying

86

1 couldn't walk on it very good.

2 Q You managed to get off the road?

3 A I did.

4 Q Did your adrenaline get you going?

5 A Yeah. I don't want to get run over.

6 Q When you got into the ambulance, did  
7 people assist you in the ambulance? Did you get in  
8 of your on accord?

9 A The driver of the ambulance opened the  
10 door and asked if I needed any help to get in. And I  
11 pulled up with my left arm and got into the  
12 ambulance.

13 Q It was your right arm that you fractured?

14 A Right arm.

15 Q So, essentially, you got in the ambulance  
16 unattended?

17 A Yes, ma'am.

18 MS. HAMMETT: I think that's all I've got.

19 MR. GILL: I don't have anything.

20 MR. SPARROW: I just have a couple.

21

22

23

24

25

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REDIRECT EXAMINATION

1 BY MR. SPARROW:

2 Q You mentioned earlier that you have  
3 actually been to this scene and done some  
4 measurements?

5 A Yes, sir.

6 Q It sounded like one of the things you  
7 measured was from the crest of the hill to where all  
8 of this occurred?

9 A Yes, sir.

10 Q And you said that was 450 feet?

11 A That's it, roughly.

12 Q How did you determine where to start  
13 measuring.

14 A When you top the hill, that is when you  
15 he can see everything. So I drew an orange dot and  
16 then went down to -- I also drew an orange dot where  
17 she was sitting in the center lane, and an orange dot  
18 where it collided -- where we collided. Just  
19 eye-balling from Pinckard's and where we were  
20 standing.

21 Q Right. But the measurement from when you  
22 crested the hill and could see this area, to where  
23 your motorcycle and Ms. Champion and everybody came  
24 to rest --

89

1 A Yes, sir.

2 Q Where in the roadway is this orange dot?  
3 Is it on the side of the road or the middle?

4 A Center lane, so I wouldn't get run over  
5 when I was putting it down.

6 Q Okay. In the turn lane?

7 A Right.

8 Q That's the first orange dot. You've got  
9 a second orange dot where you saw her car stop?

10 A Yes, sir.

11 Q Is there a third orange dot?

12 A There's an orange dot where my bike was  
13 laying in the road, and an orange dot where we  
14 impacted.

15 Q From the time you were talking about  
16 seeing Ms. Champion in the turn lane, and at some  
17 point she moved from the turn lane to the left lane,  
18 then she moved from the left lane to the right lane.  
19 You said that she was in the right lane for about  
20 five seconds --

21 A Yes, sir.

22 Q -- before the impact?

23 A Yes, sir.

24 Q Five seconds? You know what five seconds  
25 is, and it was five seconds?

91

1 A Yes, sir.

2 Q -- was approximately 450 feet?

3 A I was 447 on my measurement -- 450.

4 Q What vehicle were you in or were you  
5 walking when you were coming up the hill to determine  
6 where you remember going to start --

7 A I parked my truck on the side of the road  
8 and went from there walking.

9 Q Your pickup?

10 A Yes, sir.

11 MR. SPARROW: That's all I've got. Thank you,  
12 sir.

RECROSS EXAMINATION

13 BY MR. FREEMAN:

14 Q The measurements you were taking, they  
15 were essentially at the crest of the hill?

16 A Yes, sir.

17 Q And you had 450 feet from the crest of  
18 the hill to where --

19 A Impact zone.

20 Q -- the impact between the motorcycle and  
21 the car?

22 A Yes, sir.

23 Q And you got some orange dots. You've got  
24 an orange dot at the crest of the hill?

90

1 A Yes, sir.

2 Q For those five seconds, did you ever take  
3 your eyes off of her car?

4 A No, sir. As soon as she began to come  
5 onto my lane, I hit my back brake which made tire  
6 tried to fish because the road was slick, so I let  
7 off the brake and let off the throttle and turned my  
8 steering -- my handle bars to the left. And that's  
9 when I impacted her, just that quick.

10 Q And whatever it is that you did was in  
11 that period of five seconds?

12 A Yes, sir.

13 Q Did you ever check your side-view mirror  
14 to see if you could have gotten over?

15 A I was trying to avoid from hitting her.

16 Q Would that have been an option, to just  
17 try to get over?

18 A I had three options. And one was to keep  
19 going in my lane, let her push me off the road; or  
20 hit her dead center; or try to avoid her --

21 Q She was --

22 A -- so I tried to avoid her.

23 Q I didn't meant to interrupt you. She was  
24 already in the right lane, though?

25 A When I went to avoid her, and turn left,

92

1 she was already over by then.

2 Q You had seen her under five seconds?

3 A Five seconds.

4 Q And in those five seconds, you thought  
5 the only thing you could do was just hit your brakes,  
6 maybe you won't hit her; or if you hit her, you'll  
7 hit the bumper?

8 A Turned my handle bars to try to miss her.

9 Q You weren't able to turn at the time?

10 A Not far enough that quick.

11 Q J. R.

12 A That's all we called him.

13 Q Did you call him that night?

14 A No, sir.

15 Q How do you know J. R.?

16 A He was an in-plant welder. And all the  
17 welders have to go to the welding shop to check in.  
18 And he mentioned that he was an off-duty police  
19 officer that night and he seen the accident.

20 Q He saw the accident?

21 A Well, he got there after everything took  
22 place. He seen the fire and the explosions. And he  
23 come up there.

24 Q Did he say which direction he was coming  
25 from?

93

1 Q So did the three of y'all talk? Or were  
2 you just talking solely talk to him?

3 A He talked to me.

4 Q She was sitting on the other side?

5 A Yes, sir, she was.

6 Q And you said that you let her use your  
7 phone?

8 A Right after --

9 Q When did she ask you for the phone?

10 A Right after the truck hit and my  
11 motorcycle and blew up.

12 Q So after y'all had the initial  
13 conversation, before the truck hit the bike, some  
14 time went by that she asked you: Hey, can I use your  
15 phone?

16 A About a minute after we had the  
17 confrontation, the truck hit my bike. And she asked  
18 me could she use my phone.

19 Q Had a already made your call?

20 A No, sir.

21 Q So you gave her the phone?

22 A Right.

23 Q And she made her call?

24 A Right.

25 Q And did you say that you overhead some

95

1 A No, sir.

2 Q Did you talk to him that night?

3 A No, sir. Next day at work.

4 Q You found out the next day at work?

5 A Yes, sir.

6 Q So you went to work the next day?

7 A Yes, sir.

8 Q When did you have to lay out of work  
9 because of your wrist?

10 A Dr. Walock (phonetic) put my arm in a  
11 sling. And it got worse within a few words. And  
12 that's when they decided to put me in a cast. I  
13 couldn't work in a cast.

14 Q So you didn't see or talk to J. R. that  
15 night?

16 A No, sir.

17 Q But you did talk to Ronny that night?

18 A Yes, sir.

19 Q Did you talk to him in that ten minutes  
20 between the time the truck hit the bike and you left?  
21 When did you talk to Ronny?

22 A Right after the explosions, he seen my  
23 chaps come out from the back of the tires. And he  
24 come to see me and Christy standing on the grass. He  
25 run over to see if I was okay.

94

1 conversation that she had?

2 A Whoever she talked to, she said: I  
3 caused an accident. I don't know if anybody is hurt.  
4 I need some help. That's all she said.

5 Q You never actually talked to her after  
6 her asking, can I use your phone?

7 A No, sir.

8 Q You told me about the two doctors. Have  
9 you seen anybody else, other than those two  
10 doctors?

11 A Not about my wrists, no, sir.

12 Q What about your neck or your leg?

13 A Everything healed up.

14 Q They cut the cast off a month-and-a-half  
15 later?

16 A Yes, sir.

17 MR. FREEMAN: Okay. Let me just mark these.  
18 (Defendant's Exhibit No. 1 and 2 were  
19 marked for identification.)

20 Q These are answers to your  
21 interrogatories, Defendant's Exhibit No. 1. Exhibit  
22 No. 2 is this drawing. When did you go do those  
23 dots?

24 A Saturday.

25 Q Like five days ago.

96



1 A Yes.  
2 MR. SPARROW: Last Saturday?  
3 A Yes, sir.  
4 Q What made you decide to go do it?  
5 A I was told that I was tried to get blamed  
6 for a part of the accident. And I wanted to prove  
7 that I didn't have a chance to do anything.  
8 Q So if I got out there, and I see some  
9 orange dots, it's your testimony that it's 447 feet  
10 from the crest of hill to where you say this impact  
11 occurred?  
12 A Yes, sir.  
13 Q Do you know where that County Road 5532  
14 is located?  
15 A It's after you top the hill, maybe 200  
16 feet on the left.  
17 Q Okay. So then you say that you go  
18 another 250 feet, that is where the impact  
19 occurred?  
20 A Yes, sir.  
21 Q You already said this, but I can't  
22 remember. When you crested the hill, how far away  
23 from you was Christy's car? 300 feet?  
24 A Before the impact?  
25 Q Yes.

97

1 A No, ma'am.  
2 Q Just your recollection?  
3 A Well, there were two burned marks where  
4 the trucks were sitting. And I knew the angle that  
5 he went.  
6 Q So there are two burned marks all the way  
7 across 231?  
8 A Northbound side. Heading northbound.  
9 Q Did you use that as your gauge for the  
10 marks, or did you --  
11 A I circled that to get and eyeball of how  
12 the trucks where and how were.  
13 Q Have you ever gone out there, out to the  
14 scene for the purpose of examining it before?  
15 A I went out there one time to see if I  
16 could salvage anything that might have come out of my  
17 saddle bag.  
18 Q Did you do any measuring or --  
19 A Not then.  
20 Q Did you take notes when you did these  
21 measurements?  
22 A I just wrote down how many feet it was.  
23 Q Have you ever taken any photos of the  
24 scene?  
25 A No, ma'am.

99

1 A Some 250, 300. Something like that.  
2 Q Well, 250 or 300?  
3 A Well it's 447 from the top of the hill to  
4 the impact. I remember that. It took me five  
5 seconds to get from where she crossed in front of me  
6 to where I hit her.  
7 Q So that was five seconds both of y'all  
8 were already established in the right lane?  
9 A Right.  
10 MR. FREEMAN: Okay. That's all I've got.  
11 MS. HAMMETT: A few more.  
12 RECROSS EXAMINATION  
13 BY MR. HAMMETT:  
14 Q How did you know where to put those  
15 dots?  
16 A Well, I knew when we were standing on the  
17 side -- right-hand side a big gas station lit up. I  
18 knew about where we were standing. That was where my  
19 first dot was. And I knew where she was sitting.  
20 Because, when you come out of the road, there was a  
21 place where you sit. And that's where I marked them.  
22 Q So it wasn't by any skid marks or any --  
23 A There wasn't any skid marks.  
24 Q -- identifying thing that would always be  
25 on the road?

98

1 Q And I know we have asked you this before.  
2 But when was the first time that you saw the location  
3 of your motorcycle after the impact with Ms.  
4 Champion?  
5 A When I went over there to catch my  
6 breath. I raised up, seen the tires and my  
7 taillights, and then whoosh -- just a big burst of  
8 wind hit.  
9 Q And, obviously, you have put your  
10 motorcycle in a different position than Ms. Champion  
11 did earlier.  
12 A Right.  
13 Q Are you absolutely sure that is where  
14 your motorcycle was? Because it sounds to me like  
15 you only had a second?  
16 A Yes, ma'am. I seen the taillight and the  
17 tire.  
18 Q So you know it was close to that center  
19 line?  
20 A Yes, ma'am.  
21 Q Somebody that had more time to view it,  
22 and thought otherwise, would you defer to them? Or  
23 are you absolutely sure?  
24 A All I can tell you is what I saw.  
25 Q What color was Ms. Champion's car?

100



1 A I have no idea. It was dark when we  
2 parked in the dark -- she parked in the dark.  
3 Q And if you testified that you went up to  
4 it, and you were standing around it.  
5 A Because I crossed the front headlight,  
6 and I was on the side by the hill. It's dark, and  
7 your can't see the color. It was dark. That's all I  
8 can tell you. It wasn't black. It was just a car.  
9 Q So it was dark enough on that road, even  
10 though you are standing right there, you can't tell  
11 necessarily what color the car was?  
12 A No, ma'am.  
13 Q What color was your motorcycle?  
14 A Maroon and black.  
15 Q And I'm not familiar with motorcycles.  
16 A Black saddle bags.  
17 Q Any other colors?  
18 A No, ma'am.  
19 MS. HAMMETT: That's all I've got.  
20 MR. FREEMAN: Hold on. One more.

101

1 Q You estimated?  
2 A Yes, sir.  
3 Q So there's no specific mark or a zero for  
4 a nail in the road or anything like that, that you  
5 can say: This is where the front part of her car  
6 with sitting?  
7 A No, sir.  
8 Q It's just an approximation?  
9 A Right.  
10 MR. FREEMAN: Thank you.  
11 (End of deposition).

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RECROSS EXAMINATION

1 BY MR. FREEMAN:  
2 Q Were there any gouge marks where your  
3 bike was? Where the truck hit the bike?  
4 MR. WHITT: Are you talking about last week or  
5 that night?  
6 Q Either one. Have you ever seen any gouge  
7 marks where your bike was sitting when the truck hit  
8 it?  
9 A No, sir.  
10 Q You don't have any idea?  
11 A You could probably look for them. But  
12 that's a heavy truck. I'm sure it left something.  
13 But that road is all gouged up from all the accidents  
14 so ---  
15 Q What was your frame of reference for that  
16 447 foot mark?  
17 A Where Pinckard's sitting, and where we  
18 were standing on the hill, I marked it there where  
19 the car was, and I marked up the hill, marked down  
20 for measure.  
21 Q How do you know exactly where that car  
22 was?  
23 A I estimated about where we were  
24 standing.

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1 STATE OF ALABAMA  
2 COUNTY OF PIKE

3  
4 I, Sheila Hanson, CSR, a Certified Shorthand  
5 Reporter in and for the County of Pike, State of  
6 Alabama, do hereby certify:  
7 That prior to being examined, the witness named  
8 in the forgoing deposition, Mr. Michael Adkins, was  
9 by me duly sworn to testify the truth, the whole  
10 truth, and nothing but the truth.  
11 That said deposition was taken before me at the  
12 time and place set forth and was taken down by me in  
13 shorthand and thereafter reduced to computerized  
14 transcription under my direction and supervision, and  
15 I hereby certify the foregoing deposition is a full,  
16 true and correct transcript of my shorthand notes so  
17 taken.  
18 I further certify that I am neither counsel for  
19 nor related to any party to said action nor in  
20 anywise interested in the outcome thereof.  
21 IN WITNESS WHEREOF, I have hereunto subscribed  
22 my name this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

24 \_\_\_\_\_  
25 Sheila Hanson  
Certified Shorthand Reporter

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